

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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MAILED

AUG 08 2006

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte RONALD O. BUBAR

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Application No. 09/535,067

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received at the Board of Patent Appeals and Interferences on August 2, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

Appellants filed an Information Disclosure Statement (IDS) on July 2, 2004. It is not clear from the record whether the examiner considered the statement submitted or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98 because the examiner has not initialed next to each of the references nor signed and dated the 1449 as required by the Manual of Patent Examining Procedure (MPEP) § 609 C(2).

Accordingly, it is

ORDERED that the application is returned to the examiner for

- (1) proper consideration of the IDS filed July 2, 2004,
- (2) notification to appellant in writing of such consideration, and
- (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:



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DMS/vsh